

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 98-139

May 1, 1998

NEW HARBOR WATER COMPANY,
Request to Abandon Service
 (§1104)

ORDER TO PROVIDE SERVICE

Welch, Chairman, NUGENT and HUNT, Commissioners

On February 20, 1998, Paul D. Ring, owner and operator of the New Harbor Water Company, filed with the Commission copies of correspondence from Mr. Ring to his customers suggesting that he had terminated his service to the utility and requesting that his customers "vote" in support the Community Water System (CWS) organization by contacting various individuals in the community or at the Commission.

Title 35-A Maine Revised Statutes Annotated section 1104 states:

No public utility may abandon ... the service which it is providing to the public ... without first securing the commission's approval.

By its Order dated September 20, 1996 in Docket No. 96-169, the Commission denied Mr. Ring's application¹ for proposed acquisition and sale of assets to CWS Foundation due to the lack of information regarding the purchasing entity and certain unacceptable characteristics of the proposal.² The Commission stated that the applicants would be free to submit a revised proposal that addressed the Commission's concerns. No such application has been filed to date.

Accordingly, Mr. Ring has not received Commission approval to terminate service and is obligated to provide the service on the terms of the New Harbor Water Company filed terms and conditions and rate schedules. This will be the case until such time as Mr. Ring presents a sufficient case to secure Commission approval to terminate service.³ The New Harbor Water Company,

¹The application was filed as a joint application between Mr. Ring and CWS representatives.

²This order completed that case and the docket is closed.

³Although Mr. Ring's letter to his customers states that "medical exigencies preclude" his continued involvement in the utility, he has not presented any further information to the

owned by Paul Ring, is still the legally valid and binding public utility serving the New Harbor area.

During April 1998, the Commission has received numerous telephone calls from customers of the New Harbor Water Company stating that they have been unable to obtain service from Mr. Ring, that the water is not yet turned on, that Mr. Ring refuses to turn on the water system at all this season, and asking for confirmation of Mr. Ring's statements that he is no longer responsible for serving the area. These actions and representations are contrary to Mr. Ring's obligation as the owner/operator of the New Harbor Water Company.

Sheet 1, Second Revision, M.P.U.C. 5, of the approved rate schedules for the New Harbor Water Company states that seasonal service will be available "to all customers in the territory taking water service, from **April first** through October first" of each year. Mr. Ring is in violation of this term of service by not having the system in operation by April 1, 1998 and to date. Moreover, Mr. Ring reportedly has refused to turn on the water system at all this season. This unacceptably action neglects the Company's responsibilities as a public utility, and inconveniences and subjects his customers to possible health risks.

For the foregoing reasons, we

O R D E R

1. That Mr. Ring shall immediately cause or allow qualified agents to turn on the New Harbor Water Company water system;

2. That in doing so, Mr. Ring or his qualified agents shall conduct all preliminary and operational flushing, treatment, and testing as required by state law to maintain acceptable water quality;

3. That Mr. Ring or his qualified agents shall supervise and maintain the continued operation of the water system until such time as the Commission authorizes another entity to do so;

4. That Mr. Ring shall report back by 5:00 p.m., Monday, May 4th, on the status of turning on water;

5. That if Mr. Ring does not cause, authorize, or allow a qualified agent to turn on and operate the New Harbor Water Company water system immediately, the Commission will take

Commission to support his request to be allowed to terminate service.

appropriate Court action to have a receiver appointed to do so;
and

6. That this Order shall be delivered today to Mr. Ring by means of mail, facsimile, and sheriff's service.

Dated at Augusta, Maine this 1st day of May, 1998.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent

COMMISSIONER ABSENT: Hunt

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.